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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,864	02/23/2004	Manfred Ueberschar	VOI0211.US	7576

7590
Todd T. Taylor
Taylor & Aust, P.C.
142 S Main St.
P.O. Box 560
Avilla, IN 46710

05/05/2009

EXAMINER

BAREFORD, KATHERINE A

ART UNIT	PAPER NUMBER
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1792

MAIL DATE	DELIVERY MODE
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05/05/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/783,864</p>	<p>Applicant(s) UEBERSCHAR ET AL.</p>	
	<p>Examiner Katherine A. Bareford</p>	<p>Art Unit 1792</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 April 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 24-33,35,38,39,41-44 and 46.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Katherine A. Bareford/
Primary Examiner, Art Unit 1792

Continuation of 5. Applicant's reply has overcome the following rejection(s): the 35 USC 112 rejection of claim 40 only is overcome by the cancellation of claim 40..

Continuation of 11. does NOT place the application in condition for allowance because: as to the 35 USC 103 rejection of the claims, the Examiner has reviewed applicant's arguments, however, the rejection is maintained. Applicant has provided arguments that none of the cited references provides the enclosing of a space as claimed and the providing of a negative pressure/positive pressure in the space or the placement of the pressure differential device. As well, applicant argues that the wall of Finnium teaches away from the enclosure step. Applicant also argues that the none of the references teach the combination of a doctor element intercepting a curtain that has flowed over a guideblade as claimed. However, as to the suggestion of enclosing the space, the Examiner remains of the position that the references suggest this enclosing for the reasons fully discussed at paragraph 8 of the Office Action of September 19, 2008. This paragraph also provides a discussion of the providing of negative/positive pressure in the space. As to the placement of the pressure differential device, the Examiner remains of the position that the suggestion of providing such a device would be provided by the need to provide positive/negative pressure in the space between the first and second curtains, thus meaning that a device to provide such pressure would need to be present. As to applicant's argument that the wall of Finnium would teach away from the enclosure step, the wall shows the need for an enclosing means. Finnium does not limit what the wall 21 can be made of, and the Examiner has provided Nakamura as to the suggestion of having two curtains in series, such that one curtain acts as "rear wall" 21 for the other. As to providing a doctor element intercepting a curtain that has flowed over a guide blade, the Examiner has cited Bulow as to the benefits of using a guideblade; and '129 as to the benefits of the intercepting doctor -- one of ordinary skill in the art would clearly be suggested to provide both features to a curtain to have the combined benefits..